



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korteski, Director

January 6, 2011

Re: Tuscarawas County
Facility Id #:0679010222
EU #: P901
Compliance Test and Notice of
Violation (HPV-GC1)
CERTIFIED #70101060000178960699

Mr. Jeff Gessner
Newton Asphalt
P.O. Box 86
Strasburg, OH 44680

Dear Mr. Gessner:

On September 21, 2010, Custom Stack Analysis, LLC performed a particulate matter (PM), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), opacity, and volatile organic compounds (VOC) emissions compliance test while burning natural gas at Newton Asphalt located at 2411 State Route 516 NW, Dover, Ohio, on Emissions Unit (EU) P901, a 220 ton per hour asphalt plant. The test was conducted to demonstrate compliance with applicable emission limitations as required by Section E.2 of the permit-to-operate (PTO) for EU P901 as part of the permit renewal process. Ohio EPA received the test report on November 19, 2010. The test report has been reviewed and we have concluded that the test was conducted according to the procedures specified in 40 CFR Part 60, Appendix A, U.S. EPA Test Methods 1 – 5, 6C, 7E, 9, 10, and 25. The results of the test showed the source to be in compliance with the applicable Ohio EPA regulations and your facility permit terms and conditions, except as identified in the violations listed below.

Permit requirements and test results for EU P901:

P901 – 220 TPH Fuel – NG	Particulate matter	Sulfur dioxide	Nitrogen oxide	Carbon monoxide	Volatile organic compounds
Tested Emission Rate:	0.03 gr/dscf	0.18 lbs/hr	5.08 lbs/hr	70.63 lbs/hr	9.44 lbs/hr
Allowable Emission Rate:	0.04 gr/dscf	No limit	7.92 lbs/hr	No limit	No limit
Source Operating Rate:	204 tons/hr (220 tons/hr Max)				
Isokinetic Rate:	Run #1 – 104%	Run #2 – 104%	Run #3 – 107%		
Opacity	0% as a 6-min average	20% opacity as a 6-min average			

The following violations have been discovered and must be addressed:

**(1) Attainment Area New Source Review (NSR) permit required
Ohio Administrative Code (OAC) rule 3745-31-13(A)**

No major stationary source or major modification located in an attainment area shall begin actual construction unless, at a minimum, the requirements in rules 3745-31-01 to 3745-31-20 of the Administrative Code have been met and the stationary source has obtained a valid Ohio Environmental Protection Agency permit-to-install. Per OAC rule 3745-31-01(LLL), a major stationary source is defined as any stationary source that emits, or has the potential to emit, two hundred fifty tons per year or more of any regulated NSR pollutant.

Based on the stack test results outlined above, Newton Asphalt has the potential to emit CO at 70.63 pounds per hour at a tested operating rate of 204 tons per hour. This equates to potential annual emissions of 333.6 tons of CO, which is well over the 250 tons per year major source threshold that would require the company to apply for and obtain a major source NSR permit for this emissions source. Newton Asphalt has never applied for or obtained an NSR permit for this facility.

A review of emissions factors from AP-42 over time reveals that CO was a known pollutant emitted from hot mix asphalt plants at the time the plant was installed in 1994. Based on the emissions factor for CO in effect in 1994 of 0.038 lb of CO per ton of asphalt, CO emissions would have been limited to 8.36 pounds of CO per hour in the installation permit for a 220 ton per hour asphalt plant.

In January of 1995, AP-42 for hot mix asphalt plants was issued with a revised emissions factor of 0.38 pound of CO per ton of asphalt, or an allowable limit of 83.6 pounds of CO per hour. In the most recent (2004) version of AP-42 for hot mix asphalt plants, the emissions factor for CO was increased to 0.40 lb of CO per ton of asphalt produced, which would equate to a limit of 88 pounds of CO per hour based on a maximum design capacity of 220 tons per hour. So even though the results of the September 2010 stack test revealed compliance with the short-term limits of 83.6 and 88 pounds of CO per hour, it confirms that potential CO emissions from this plant are in excess of the 250 tons per year major source threshold at which a NSR permit would be required.

To address this violation, Newton Asphalt must either apply for and obtain an NSR permit for EU P901 or apply for and obtain a synthetic minor permit that contains federally and practically enforceable limits on production rate to reduce potential CO emissions from this source to below 250 tons per year.

Further, since the emission rates for CO and NO_x are impacted by the combustion efficiency of the burner, and CO emissions are significantly reduced by ensuring the burner is optimally tuned, Newton Asphalt must conduct burner tuning to ensure optimal fuel combustion and retest for CO and NO_x in the asphalt plant exhaust prior to preparing and submitting the NSR or synthetic minor permit applications.

The emissions factors for those pollutants from the new test will then be used to develop a corrected permit for EU P901.

**(2) Title V operating permit requirements
OAC rules 3745-77-02(A) and 3745-77-04(D)**

The owner or operator of a Title V source shall not operate such source after the date that a timely and complete Title V permit application is required to be submitted under this chapter, except in compliance with a permit issued under this chapter. A timely application for a source applying for a Title V permit for the first time, other than a source required to file under paragraph (B) of OAC rule 3745-77-04, is one that is submitted within twelve months after the source becomes subject to the Title V permit program.

In addition to exceeding the NSR threshold of 250 tons of CO per year, potential CO emissions from this facility exceed the threshold at which a Title V operating permit would be required, i.e., 100 tons of CO per year (see OAC rule 3745-77-01(X)(2)). To date, Newton Asphalt has never applied for or received a Title V operating permit for EU P901.

If Newton Asphalt opts to pursue a major source NSR permit for this facility, the company must also apply for and obtain a Title V operating permit for the Dover facility. Alternatively, if the company opts to request federally enforceable operating restrictions sufficient to reduce potential CO emissions from this source to below 100 tons per year, Ohio EPA will issue the company a Federally Enforceable Permit-to-Install and Operate (FEPTIO) which will allow the company to avoid NSR and Title V permit requirements.

**(3) Stack test report deadline
Section E.2 of the PTO for EU P901**

A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Ohio EPA Southeast District Office within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Ohio EPA Southeast District Office.

The stack test of EU P901 was completed on September 21, 2010, but the stack test results report was not received until November 19, 2010, approximately 31 days late.

Additional comment:

In an email dated December 29, 2010, Ohio EPA identified a deficiency of the recently received permit renewal application, i.e., that no emissions calculations had been provided. In addition, potential problems with the permitting of other air contaminant sources at this facility were identified. Please provide the information requested in that email with your response to this letter.

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Within thirty (30) days of your receipt of this letter, Newton Asphalt must provide Ohio EPA with a compliance plan and schedule that outlines the steps that the company will take to comply with all applicable Ohio air pollution control laws and rules. Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

All test information will be used by Ohio EPA personnel for permit processing and source compliance review. Please refer any questions concerning the above requirements to Kim Reinbold, Ohio EPA Southeast District Office, at (740) 380-5245.

Thank you for your cooperation in this matter.

Sincerely,



Marco Deshaies
Environmental Specialist
Division of Air Pollution Control

MD/mlm

cc: Kim Reinbold, DAPC-SEDO (Emissions Unit File Copy)
Marco Deshaies, DAPC-SEDO
Test Report File Copy
Bruce Weinberg, DAPC-SEDO
Tom Kalman, DAPC-CO
William MacDowell, U.S. EPA, Region V